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**BEFORE THE ARIZONA CORPORATION COMMISSION**

COMMISSIONERS:  
KRISTIN K MAYES – Chairman  
GARY PIERCE  
PAUL NEWMAN  
SANDRA D. KENNEDY  
BOB STUMP

Arizona Corporation Commission

**DOCKETED**

SEP 27 2010

DOCKETED BY

*[Signature]*

Docket No. S-20600A-08-0340

IN THE MATTER OF:  
MARK W. BOSWORTH and LISA A.  
BOSWORTH, husband and wife;  
STEPHEN G. VAN CAMPEN and DIANE V.  
VANCAMPEN, husband and wife;  
MICHAEL J. SARGENT and PEGGY L.  
SARGENT, husband and wife;  
ROBERT BORNHOLDT and JANE DOE  
BORNHOLDT, husband and wife;  
MARK BOSWORTH & ASSOCIATES, LLC,  
An Arizona limited liability company;  
3 GRINGOS MEXICAN INVESTMENTS, LLC;  
An Arizona limited liability company

Respondents.

RESPONDENTS  
MARK W. BOSWORTH  
MARK BOSWORTH & ASSOCIATES, LLC  
3 GRINGOS MEXICAN INVSTMENTS, LLC

RESPONSE TO THE SECURITIES  
DIVISION'S RESPONSE TO RESPONDENTS  
OBJECTION TO MOTION TO SET HEARING

ARIZONA CORPORATION COMMISSION  
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Respondents Mark W. Bosworth, Mark Bosworth & Associates, LLC and Three Gringos Mexican Investments, LLC respectfully objects to the Securities Division's (Division) motion to set hearing.

The Division's claim is disingenuous and makes no claim on fact of law. The Division makes NO claim under the rules of Administrative Law OR the Rules of Civil Procedure all parties were advised were in effect for this hearing. This burden is on the Division and certainly applies to this absurd AND unheard of request.

1 The division was at all times BEFORE Mark Bosworth gave testimony perfectly aware of  
2 the question regarding 3GMI and the transfer of real property and ANY alleged problems it  
3 created. There is nothing-new here and no surprises, except by the Division. The Division is  
4 fighting sleeping in the bed they made themselves.

5 In the division's own motion of September 11, 2008, they claim on page 4 #C "The  
6 division's interest in proceeding expeditiously is great"! They continue with "ANY delay in  
7 prosecuting this matter will adversely affect the division's interests" and "ANY delay would  
8 have a detrimental effect on the public confidence in the enforcement efforts of the division".  
9 They make the SAME EXACT claim on their September 5, 2008 filing in response to the  
10 Sargent's motion. They prevailed on those hard fought motions they are now attempting to  
11 completely abandon them for their own ease and convenience. The Division's feet should be  
12 held to the fire, they and they alone created it!

13 The Division is fully aware of respondent's inability to retain counsel and that self-  
14 representation is the only reluctant choice available to Bosworth". Respondents are the only  
15 Respondent not able to afford an attorney. During any and every hearing Mr. Bosworth is the  
16 only person in the room not being paid for being there and in fact losing wages. It would be an  
17 unfair and unbearable burden for Respondent's to now attend this hearing AND another separate  
18 hearing months or years later. This would create an unfair and unjustified expense in an  
19 administrative hearing where Respondents have no ability to recover costs, expenses, lost wages  
20 or fees-even if Respondent's prevail.

21 The Division has known for many months they had a red herring to deal with and  
22 did nothing. Now that they have Mr. Bosworth's testimony, they are wholesale changing their  
23 story. There will be substantial evidence introduced to document the Division's actions.  
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1 Mr. Sargent was allowed a voluminous amount of time under the pretense he  
2 would prepare to testify and not merely take the fifth on all his testimony. The Honorable  
3 Administrative Law Judge Marc E. Stern saw fit to allow respondent Sargent all the time needed  
4 to make the hearing fair and equitable. The Bosworth's deserve the same fair and equitable  
5 treatment.

6  
7 Respondents have not read the transcripts, which appear to be quickly obtainable, that  
8 may influence Respondent's decisions. At this point Respondents only anticipate calling  
9 witnesses that work for the Division/State of Arizona and Respondent's that were compensated  
10 millions of dollars each in exchange for their testimony, Bornholdt and VanCampen's

11 The Division insisted there could not be separate hearings and the respondent's  
12 must be heard together. Sargent and Bosworth both vigorously sought separate hearings. Does  
13 the Division now get to flip flop its position because it serves them better? Does the Division get  
14 to willingly impose the unheard of undue and unnecessary additional monumental burdens of  
15 time and valuable financial resources two years later of preparing differently for ANOTHER  
16 HEARING? A

17  
18 The Division has the burden of proving the legality under Arizona Administrative  
19 Law and/or The Rules of Civil Procedure and the absolute necessity of "setting a hearing" during  
20 the middle of that existing hearing. The Division has NOT. The Divisions motion is illegal,  
21 untimely and inappropriate. There is no motion for new trial. There is no motion for a mistrial.  
22 There is no motion dismiss the case with or without prejudice and re-file if successful. There is  
23 no motion to separate the Bosworth's and leave the Three Gringos llc or Mark Bosworth and  
24 Associates llc in this hearing. The llc's are separate legal entities with their own legal rights.  
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1 The Honorable Administrative Law Judge Marc E. Stern has already ruled on the  
2 Division's motion to set a hearing in open court, ruling, "Mr. Bosworth has every legal right to  
3 be here"! The division has not filed a new motion to set a hearing and this one has been ruled on.  
4 Certainly, the Division and Mr. Sabo have provided no legal basis to overturn that existing  
5 ruling! Ease and convenience at that expense of the law and legal process and of other  
6 Respondent's has no merit.  
7

8 Accordingly, Mark W. Bosworth, Mark Bosworth & Associates llc & 3 Gringos  
9 Mexican Investments llc vigorously oppose the Division's motion to set a hearing during the  
10 middle of that same existing hearing already in progress. Respondent's respectfully plea to and  
11 leave standing the existing ruling that Respondent's have every legal right to participate in this  
12 hearing. Thank you for your consideration of this objection.  
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16 RESPECTFULLY SUBMITTED this 25<sup>th</sup> day of September 2010

17  
18 By 

19 Mark Bosworth  
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22 ORIGINAL FILED WITH:

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